

Message

From: Martin, Donald W [Donald.W.Martin@wv.gov]
Sent: 4/24/2013 7:45:10 PM
To: Pratt, Stacie [Pratt.Stacie@epa.gov]; charles.w.armstead@wv.gov
CC: pizarro, luis [pizarro.luis@epa.gov]
Subject: Re: MPM Silicones response

Let us pull some of the info together & get back to you later this week.
Thanks,

Don

Sent from my Blueberry

From: Pratt, Stacie [mailto:Pratt.Stacie@epa.gov]
Sent: Wednesday, April 24, 2013 01:52 PM Eastern Standard Time
To: Martin, Donald W; Armstead, Charles W
Cc: pizarro, luis <pizarro.luis@epa.gov>
Subject: FW: MPM Silicones response

Hello Don & Charlie. I am trying to help out on this matter for Luis. During the call last week, Charlie mentioned that the PCB material had been moved. I would like to get some more info. on this – I have reviewed a bunch of material (e.g., Phase II report and EPA's Info. Request and response), and I never came across this. Could you tell me any specifics re: when the PCB material was moved, to where, and why? Is there some documentation that you have that explains this? I have spoken to our TSCA person – She explained that if PCB material was moved out of the ground, it would be considered illegal disposal (depending on how long the material was being stored). It is possible that an enforcement action could be taken under TSCA and a penalty could be collected. The violation would be considered a continuing violation until the material was properly disposed of, but it would be limited to only the material that had been moved, and I don't think a site characterization would be required. However, these are just some preliminary thoughts until I can get some more info. from you all and discuss here with our attorney.

Thanks.

Stacie Pratt, Office of State Programs - 3LC50
US EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
215-814-5173

From: pizarro, luis
Sent: Tuesday, April 23, 2013 5:33 PM
To: Pratt, Stacie
Subject: FW: MPM Silicones response

Lets include this in our conversation tomorrow

Luis A. Pizarro
Associate Director
Office of Remediation, LCD
US EPA Region 3
215 814 3444

From: Martin, Donald W [<mailto:Donald.W.Martin@wv.gov>]
Sent: Friday, April 12, 2013 5:10 PM
To: pizarro, luis
Cc: charles.w.armstead@wv.gov
Subject: RE: MPM Silicones response

Hello Luis,

While I understand that there may not be a RCRA connection to the MPM PCB issue (as noted on page 14 of the August 1983, PCB Regulations under TSCA EPA 100 Questions, I'm struggling with EPA's policy for a complete disconnect from PCBs disposed prior to 1978.

I'm trying to become better informed and have printed out the Standard Scrape Metal Company (TSCA Appeal # 87-4) and Rogers Corporation TSCA Appeal #98-1 and US Court of Appeals # 00-1542 decision 1/4/02 for some casual reading over the weekend to see if that helps.

My layman reading of parts of 40 CFR 761, including §761.50(b)(3)(i)(A), raises a couple of questions at this time;

- 1) What is the threshold required for the EPA Regional Administrator to inform the O/O that there is reason to believe an unreasonable risk is present and require data necessary to characterize the risk?
- 2) If the PCBs "disposed" prior to 1978 are subsequently disturbed after 1978, does that eliminate the EPA exemption provided in 761, and constitute "disposal" post-1978?

Since you're not the "TSCA person", who should we contact to further this issue and discussion?

Thanks for your assistance & enjoy the weekend,
Don Martin
304-926-0499, ext. 1275

From: Martin, Donald W
Sent: Wednesday, February 27, 2013 12:47 PM
To: Luis Pizarro
Cc: Charlie Armstead; Bill Wentworth
Subject: RE: MPM Silicones response

Here is the compilation from the submittal.
Thanks,
Don

From: Martin, Donald W
Sent: Wednesday, February 27, 2013 12:45 PM
To: Luis Pizarro
Cc: Charlie Armstead; Bill Wentworth
Subject: MPM Silicones response

Hi Luis,

I wanted to follow-up on our brief conversation yesterday about MPM and their response to the PCB Information request sent last fall, since it seems that we were both waiting on each other.

Attached is a memo outlining our thoughts concerning the site and the response. The referenced compilation of information used in formulating the memo is nearly 13 MB in size, so I might have to break it down & send it in two additional emails if it gets blocked during my initial attempt (we use to have a 10 MB cap/email).

Please let us know if you have any questions & thanks for your assistance.
Sincerely,

Don Martin
304-926-0499, ext. 1275